

REMARKS

This Amendment is being filed in response to the Office Action mailed February 24, 2005. Claims 14-18 have been withdrawn. Claims 1-13 were rejected. Applicant has amended Claims 1 and 9, and added Claims 20-23. Thus, Claims 1-13 and 20-23 are pending in the application.

CLAIM REJECTIONS – CLAIMS 1-7 & 9-13 – § 102(b)

Claims 1-7 and 9-13 were rejected under 35 U.S.C. § 102(b) as being anticipated by Ohlson (3,425,314). Applicant respectfully submits that independent Claim 1, as amended, and the claims dependant thereon are allowable over Ohlson.

The Office Action states that “the examiner agrees that Ohlson does not disclose the shape of the deflecting element as disclosed but, the examiner is of the opinion that the deflecting element *as claimed* is broad enough to read on the aw tooth shaped deflecting elements shown in Ohlson.” (p. 4) In particular, the Office Action states that “the claims only require ‘a portion with uniform thickness between the inclined and the trailing end’ which does not require the uniform thickness to extend a circumferential distance, i.e. between spaced apart inclined and trailing ends.”

Accordingly, in addition to other amendments, Applicant has amended the independent claims to specifically that which the Examiner specified was not disclosed Ohlson, namely, that the uniform thickness extends a circumferential

distance between an incline at a leading end and an abrupt radial shoulder spaced apart at a trailing end.

Furthermore, Applicant has amended the independent claims to further distinguish over Davidson et al. (US 5,020,949) and Witte (US 4,176,582).

FIG. 1A of Davidson discloses an incline 20a, a planar surface 20, and a shoulder 20b. However, these elements are formed on the top surface of the nut in Davidson and cooperate in axial relationship with the mating nut in FIG. 1B. Applicant's incline, portion with uniform thickness and abrupt shoulder are located on the circumference of the nut. Accordingly, in the attached revised claims (independent Claims 1 and 9), Applicant has specified that the incline is circumferential and the shoulder is radial.

Witte is similar to Ohlson except that the incline plateaus as it approaches the shoulder. To the extent that Witte discloses a circumferential portion with uniform thickness between the incline and the shoulder, it is clear that the circumferential distance of this uniform portion is extremely short, and certainly less than the circumferential distance of the incline itself. Accordingly, the independent claims have been revised to specifically state that the circumferential incline in the nut defines a first circumferential distance, and that the portion with the uniform thickness extends a second circumferential distance that is greater than the first circumferential distance. This emphasizes that the circumferential distance of the uniform thickness portion is greater than that of the incline, a feature that is clearly opposite to what is shown in Witte.

It would not be obvious to combine Davidson et al. with Witte. As discussed above, the relevant features in Davidson are placed on the top surface of the nut 1A and the bottom surface of the mating nut 1B for axial engagement. This was done purposely such that the outer surface of both nuts "is shaped like a conventional hexagonal nut and is there readily adapted to engaged by a suitable driving tool such as a socket head wrench or the jaws of a hex head or other conventional wrench or pliers." Therefore, to modify Davidson by placing the relevant features on a radial or circumferential portion of the nut would defeat this purpose.

Similarly, Witte provides no motivation to expand the portion of uniform thickness. In Figure 2 of Witte, the rounded portion 34 of the nut body 12 only serves as a ratchet mechanism such that when the wrenching spring member 14 is rotated clockwise, the rounded portion 34 facilitates the traversal of the teeth 42. Witte provides no teaching or motivation for an extended portion of uniform thickness between the incline and the trailing end, and certainly not a uniform portion with a circumferential distance greater than that of the incline itself, as now claimed by Applicant.

SUMMARY

Based on the above amendments and accompanying remarks, Applicant respectfully submits that all pending claims are in condition for allowance and respectfully requests a Notice of Allowance. Applicant encourages the Examiner to telephone the undersigned attorney if it appears that a telephone conference would facilitate allowance of the application.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 21, 2005

by Eric Hoover



Signature

Respectfully submitted,



Vic Lin, Esq.

Registration No. 43,754

Myers Dawes Andras & Sherman LLP

19900 MacArthur Boulevard, 11th Floor

Irvine, CA 92612

Tel: (949) 223-9600

Fax: (949) 223-9610